



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 8112-00
19 July 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Brezna, Mr. Dunn and Mr. Mackey, reviewed Petitioner's allegations of error and injustice on 10 July 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 9 March 1998 at age 24. In April 1998, he was seen in a dental clinic because of continuous bleeding from a tooth extraction. Subsequently, because of concerns that he might have a bleeding disorder, he was referred for evaluation to the National Naval Medical Center (NNMC), Bethesda, MD. On 24 June 1998 NNMC concluded that he did not have a bleeding disorder and found him fit for duty and he was returned to the recruit training command (RTC) to complete his training. On 10 July 1998 he was diagnosed with recurrent nose bleeds, a condition which was not correctable to meet Navy

standards. The medical record shows that he reported to sick call on 12 July 1998 because his nose bled for over 15 minutes.

d. On 13 July 1998 he was notified of separation processing by reason of erroneous enlistment as evidenced by recurrent nose bleeds. On 15 July 1998 the separation authority directed an entry level separation and the assignment of an RE-4 reenlistment code. Petitioner was so discharged on 20 July 1998. In accordance with regulations, the narrative reason for separation entered on the DD Form 214 is "Failed Medical/Physical Procurement Standards" with a Separation Program Designator (SPD) code of "JFW".

e. Petitioner contends, in effect, that when he was returned to recruit training after being found fit for duty that the recruit training command did not know what to do with him and he was improperly separated.

f. The Board is aware that regulations only allow the assignment of an RE-4 or an RE-3Q reenlistment code when an SPD of JFW is used. An RE-3Q is used when an individual is physically disqualified for officer candidate training and an RE-4 is assigned when an individual is not eligible for reenlistment. An RE-3E reenlistment code is authorized when an individual is separated because he or she was enlisted in error.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that NNMC apparently found that he was fit for duty because he did not have a bleeding disorder. However, on return to RTC he continued to have serious bleeding problems and was found physically unqualified to serve in the Navy. Since Petitioner apparently had no other problems in recruit training, desires to serve, and may no longer have his physical problem, the Board believes that a change in the reenlistment code is now warranted. Since the regulation does not authorize an RE-3 code for individuals in Petitioner's situation, the Board concludes that an RE-3E reenlistment code should now be assigned as an exception to policy. This code will alert recruiters that his physical condition will have to be considered before enlistment is authorized.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reasons for the assignment of the RE-3E reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 20 July 1998 he was assigned an RE-3E reenlistment code vice the RE-4 reenlistment code now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

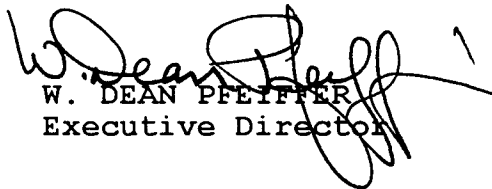
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



ALAN E. GOLDSMITH
Acting Recorder

ROBERT D. ZSALMAN
Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director